

The Court also authorizes that the forms entitled "Notice of Fair Labor Standards Act Lawsuit" and "Consent to Join," filed herewith, be sent to these employees. Notices shall be mailed no later than May 30, 2007.

IT IS SO ORDERED.

Signed this 18th day of April 2007.

A handwritten signature in cursive script, reading "Mary Lou Robinson", written over a horizontal line.

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

by the overtime provisions of the federal Fair Labor Standards Act. Specifically, Plaintiffs allege that Defendants failed to pay for activities that occurred on time spent off the clock cleaning bathrooms, handling the transition from one shift to the other, balancing the receipts on the cash register between shifts, bagging ice, tracking inventory, stocking shelves, and generally overseeing the store in which they are employed, among other things. Plaintiffs seek back wages for the time spent in these activities. Defendants deny Plaintiffs' allegations. Specifically, Defendants allege that Allsup's Convenience Stores, Inc. pays its employees for all time spent performing work for the company, including overtime. Although the Court has authorized the issuance of this notice, the Court has made no decision about the case and does not endorse the position of either Plaintiffs or Defendants.

3. PERSONS WHO HAVE A RIGHT TO PARTICIPATE IN THIS LAWSUIT

Plaintiffs have filed this action on behalf of all present and past "shift time" employees who at anytime or presently work as shift time employees, who were employed by Allsup's, during the time period from the 18th day of April 2004 to this notice's date and who worked in Allsup's stores in Sudan, Earth, Plainview, Pampa, or Canyon, Texas, its other stores in Texas, and its stores in New Mexico. If you are one of these people, then you have a right to join this suit.

4. HOW TO JOIN THE SUIT

If you want to join in this suit, you must send the enclosed "Consent to Join" form to the lawyers representing the Plaintiff workers:

Law Offices of Philip R. Russ
2700 S. Western, Suite 1200
Amarillo, TX 79109
806-358-9293 – Telephone
806-358-9296 – Facsimile

or

Mark W. Laney
Law Offices of Laney & Stokes
600 Ash Street
Plainview, TX 79072-8093
806-293-2618 – Telephone
806-293-8802 – Facsimile

Your "Consent to Join" form must be received at the above address no later than **Friday, June 29, 2007**. After that date, no "Consent to Join" forms will be accepted. If you do not want to join in this lawsuit, you do not need to do anything. You will be included only if you send in the "Consent to Join" form.

5. EFFECT OF JOINING THE SUIT

IF YOU JOIN THE LAWSUIT, you will be bound the Court's judgment, win or lose. That is, when the Court decides whether the law required Allsup's to pay for the disputed time, the decision will apply to all workers who join in the suit. If the workers win, you may be eligible to share in any back wage award; if the workers lose, no money will be awarded and you will not be able to file another lawsuit regarding the disputed hours of work.

6. EFFECT OF NOT JOINING THE SUIT

IF YOU DO NOT JOIN IN THE LAWSUIT, you will *not* be bound by the Court's decision and you will *not* be entitled to share in any back wage award if the Court rules for the workers. In addition, if you do not join in this lawsuit or file a lawsuit of your own, the time limit for acting on any wage claims you may have will continue to run and may cause your claim to be barred.

7. YOUR LEGAL REPRESENTATIVE IF YOU JOIN THIS SUIT

Plaintiffs are represented by the Law Offices of Philip R. Russ, a law firm in Amarillo, Texas and the Law Offices of Laney & Stokes, a law firm in Plainview, Texas. If you want to join in this lawsuit, these lawyers will represent you. You will not have to pay these lawyers for their services unless the Court awards you money. If that happens, the Court may deduct a reasonable amount from your award to pay the lawyers for their services representing the

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

LESA PROCTOR, DUNCAN PROCTOR
and JOHNNY ROBBINS, individuals,

Plaintiffs,

v.

ALLSUP'S CONVENIENCE STORES,
INC., a New Mexico Corporation,
LONNIE D. ALLSUP, an individual and
BARBARA J. ALLSUP, an individual

Defendants.

NO. 2:06-CV-255-J

CONSENT TO JOIN

I understand that this suit is being brought under the federal Fair Labor Standards Act. I have read and understand the notice accompanying this Consent. I hereby consent to become a party plaintiff herein and to be bound by the Court's decision.

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806-293-8802 – Facsimile

(signature)

(type or print name)

Street Address

City State

Zip Code

Job Description-Department